



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**

Board of Directors

**Human Resources and Labor Relations
Committee Meeting**

Wednesday, January 10, 2024
11:00 am

**Microsoft Teams Meeting
Join on your computer, mobile app**

[Click here to join the meeting](#)

Meeting ID: 299 112 770 123

Passcode: hAyNWw

Or call in (audio only)

[+1 202-753-6714,,874465873#](#)

Phone Conference ID: 874 465 873#

1. Call to Order Steven Shofar, Chairperson
2. Roll Call..... Michelle Rhodd, Board Secretary
3. Action Item (Joint Use)Joel Grosser
Angelia Allsion
Joy Dorsey
 - [Contract No. 10402, Add Funding for Task Order #2, Human Capital Transformation Services – Accenture LLP](#)
4. Union Topics..... Union Presidents
Kevin Poge, AFSCME 2091
Michelle Hunter, NAGE R3-06
Barbara Milton, AFGE 631
Jonathan Shanks, AFGE 872
Calvert Wilson, AFGE 2553
 - a) Paid Parental Leave
 - [Notice from Mr. Gadis sent to all employees and the Union's response sent to its members.](#)
 - Employees' Morale
 - b) Engineer PE License
 - [See the attached PowerPoint Presentation](#)
 - c) Job Classification and Compensation Review
 - d) DC Water Fleet Management Concerns
 - e) Employee Scheduled Leave Discussion

5. Executive Session*Steven Shofar, Chairperson
 - To plan, discuss, or conduct specific collective bargaining negotiations under D.C. Official Code § 2-575(b)(5)
6. AdjournmentSteven Shofar, Chairperson

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

¹The DC Water Board of Directors may go into executive session at this meeting pursuant to the District of Columbia Open Meetings Act of 2010, if such action is approved by a majority vote of the Board members who constitute a quorum to discuss certain matters, including but not limited to: matters prohibited from public disclosure pursuant to a court order or law under D.C. Official Code § 2-575(b)(1); terms for negotiating a contract, including an employment contract, under D.C. Official Code § 2-575(b)(2); obtain legal advice and preserve attorney-client privilege or settlement terms under D.C. Official Code § 2-575(b)(4)(A); collective bargaining negotiations under D.C. Official Code § 2-575(b)(5); facility security matters under D.C. Official Code § 2-575(b)(8); disciplinary matters under D.C. Official Code § 2-575(b)(9); personnel matters under D.C. Official Code § 2-575(b)(10); third-party proprietary matters under D.C. Official Code § 2-575(b)(11); train and develop Board members and staff under D.C. Official Codes § 2-575(b)(12); adjudication action under D.C. Official Code § 2-575(b)(13); civil or criminal matters or violations of laws or regulations where disclosure to the public may harm the investigation under D.C. Official Code § 2-575(b)(14); and other matters provided under the Act.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
BOARD OF DIRECTORS CONTRACTOR FACT SHEET**

ACTION REQUESTED

**GOODS AND SERVICES CONTRACT
Human Capital Transformation Services
(Joint-Use Indirect)**

Approval to add additional funding for Task Order #2, Human Capital Strategy Development, in the amount of \$175,000.00.

CONTRACTOR/SUB/VENDOR INFORMATION

PRIME: Accenture LLP 800 N Glebe Rd Arlington, VA 22203	SUBS: N/A	SUBS: N/A
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DESCRIPTION AND PURPOSE

Original Contract Value:	\$0.00
Original Contract Date:	02-22-2023 – 02-21-2024
Number of Option Years:	2
Prior Task Order 2 Value:	\$930,000.00
Prior Task Order 2 Dates:	08-07-2023 – 02-02-2024
Task Order 2: Add funding Value:	\$175,000.00
Task Order 2: Add funding Dates:	02-05-2024 – 04-31-2024

Purpose of the Request:

DC Water’s People & Talent Department requires additional funding to address further development aspects of the Human Capital Strategy (HCS). Additional work in the HCS consists of development of requirements and advisory services for a compensation assessment study, estimated at \$175,000.00. The compensation assessment study will be performed by a 3rd party and funding will be addressed at that time.

Contract Scope:

Accenture has partnered with DC Water to develop a Human Capital Strategy for the enterprise to provide a roadmap to address long -term and short-term goals that will allow DC Water to understand our current state, where we want to be and how a people strategy can enable us to get there. The scope of services also includes change management of the human resources (HR) function, compensation & benefits, HR technologies and analytics and talent management and employee learning and development. A detailed human capital strategy roadmap for addressing all remaining capability areas in the Human Capital Transformation services is being developed.

Spending Previous Year:

Cumulative Task Order Value:	08-07-2023 – 12/15/2023: \$930,000.00
Cumulative Task Order Spending:	08-07-2023 – 12/15/2023: \$584,000.00

Contractor’s Past Performance:

According to the COTR, the Contractor’s quality of products and services, timeliness of deliverables; conformance to DC Water’s policies, procedures and contract terms; and invoicing, all meet expectations and requirements.

PROCUREMENT INFORMATION


Contract Type:	Goods and Services	Award Based On:	Highest Rated Offeror
Commodity:	Service	Contract Number:	10402
Contractor Market:	Open Market with Preference Points for LBE and LSBE Participation		


BUDGET INFORMATION

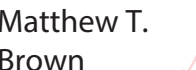
Funding:	Operating	Department:	People & Talent
Service Area:	DC Water	Department Head:	Joy J. Dorsey

ESTIMATED USER SHARE INFORMATION

User	Share %	Dollar Amount
District of Columbia	71.19%	\$124,582.50
Washington Suburban Sanitary Commission	21.21%	\$37,117.50
Fairfax County	4.86%	\$8,505.00
Loudoun County	2.38%	\$4,165.00
Potomac Interceptor	0.36%	\$630.00
TOTAL ESTIMATED DOLLAR AMOUNT	100.00%	\$175,000.00

 / 12.19.2023
 Joy J. Dorsey Date
 Chief People Officer and EVP of People and Talent

 Digitally signed by Dan Bae
DN: C=US, E=dan.bae@dcwater.com,
 O=District of Columbia Water and Sewer
 Authority, OU=VP of Procurement &
 Compliance, CN=Dan Bae
 Date: 2023.12.19 13:48:32 -05'00'
 Dan Bae Date
 VP of Procurement

 Digitally signed by Matthew T. Brown
Date: 2023.12.19 16:59:31
 -05'00'
 Matthew T. Brown Date
 CFO and EVP of Finance, Procurement and Compliance

_____/_____
 David L. Gadis Date
 CEO and General Manager

12/27/23, 10:16 AM

AOL Mail - Fw: Paid Parental Leave Benefit (Revised)

Fw: Paid Parental Leave Benefit (Revised)

From: Barbara Milton (barbara.milton@dcwater.com)
To: bjm1277@aol.com
Date: Wednesday, December 27, 2023 at 10:09 AM EST

From: Office of the CEO <oceo@dcwater.com>
Sent: Wednesday, December 27, 2023 9:49 AM
To: Mail-Employees <mail-employees@dcwater.com>
Subject: Paid Parental Leave Benefit (Revised)



Team Blue,

I am writing to provide an update on the added Paid Parental Leave benefit I announced in October 2022. When this new benefit was announced over a year ago, it was immediately available to non-union employees, and we attempted to work with our union leaders to provide this added benefit to our bargaining unit employees. DC Water successfully negotiated and reached an agreement with AFGE Locals 2553 & 872, AFSCME Local 2091, and NAGE R3-06, where these Locals now have Paid Parental Leave as an added benefit for their bargaining unit employees.

The new benefit allows for up to eight weeks (or 320 hours) of paid parental leave to care for a new family member, such as the birth of a child of the employee, placement of a child with the employee for adoption or foster care, or the placement of a child with the employee.

DC Water also negotiated in good faith with AFGE Local 631 since October 2022, and offered the same terms to Local 631 as we offered to everyone else. However, AFGE Local 631 declined the terms. Based on a recent ruling by the Public Employees Relations Board, this benefit is unavailable to AFGE Local 631 bargaining unit employees.

Sincerely,

David L. Gadis
CEO and General Manager

12/28/23, 1:45 AM

AOL Mail - Fw: AFGE Local 631's Response to the Paid Parental Leave Benefit (Revised) Issue by Mr. Gadis, GM

Fw: AFGE Local 631's Response to the Paid Parental Leave Benefit (Revised) Issue by Mr. Gadis, GM

From: Milton (bjm1277@aol.com)

To: :

Date: Wednesday, December 27, 2023 at 04:47 PM EST

FYI -

----- Forwarded Message -----

Hello All:

See the attached email from George Spears to the president of AFGE Local 872 acknowledging the exchange of withdrawing from the Paid Parental Leave impasse case and giving their members the Paid Parental Policy available to non-union employees, as a result of their withdrawal. However, AFGE Local 631 was denied this exchange for its members.

All yellow highlights were made by me.

In Unity,

Barbara Milton, President
AFGE Local 631

On Wednesday, December 27, 2023 at 11:28:04 AM EST, Milton <bjm1277@aol.com> wrote:

Hello All:

The information in the notice from Mr. Gadis regarding Paid Parental Leave, sent to all employees today, is not accurate with respect to AFGE Local 631. We do not have the paid parental leave benefit at this time because DC Water (George Spears) told PERB that they were no longer offering the Paid Parental Leave to the three unions AFGE Locals 631, 872 and NAGE Local R3-06 and this rendered the impasse of paid parental leave moot. **See the attached letter from Mr. Spears** to PERB where he states that the Paid Parental Leave was not being offered to the three (3) unions that were a party to the PERB impasse case. Our attorney Barbara Hutchinson did respond to the inappropriate claims made by George Spears, which he made in an attempt not to go to impasse on this matter, where a 3rd party arbitrator would make the decision on our bargaining proposals. **See the attached response letter from Ms. Hutchinson.** The three (3) unions and our attorney were never told of this position prior to Mr. Spears sending his attached letter to PERB.

After sending his attached letter to PERB and before PERB issued its attached decision letter, Mr. Spears reached out to the other two (2) unions and told them if they withdrew from the PERB impasse case DC Water would make the policy on Paid Parental Leave available to their members. They withdrew from the impasse case and DC Water made the policy available to their members. When I contacted Mr. Spears on December 6, 2023 and asked if we withdrew from the impasse case would he make the Paid Parental Leave available to AFGE Local 631 members, Mr. Spears told me no because they had put too much time in the case. **AFGE Local 631 is being singled out and treated in a disparate manner in this case.**

In regards to the general manager's statement that the Paid Parental Leave was not being offered to AFGE Local 631 because of PERB's ruling, this is not a true statement. PERB did not move the case to impasse because Mr. Spears said Paid Parental Leave was no longer being offered to the unions. PERB

12/28/23, 1:45 AM

AOL Mail - Fw: AFGE Local 631's Response to the Paid Parental Leave Benefit (Revised) Issue by Mr. Gadis, GM

stated that impasse was not the way to resolve this matter and that AFGE Local 631 could appeal to the PERB Board. **See the attached PERB decision letter** that Mr. Gadis referenced in his letter sent to all employees today.

DC Water's action in this matter is a violation of law and we will file an appeal to the PERB Board and a new unfair labor practice, hopefully by the end of this week or next week. I will keep you updated.

I know this is a lot of information to read but to understand how DC Water is misleading its employees and union members you need to read the information attached. All yellow highlights were made by me. If you have any questions feel free to contact me at 202-236-0500.

In Unity,

Barbara J. Milton, President
AFGE Local 631

From: Office of the CEO <oceo@dcwater.com>
Sent: Wednesday, December 27, 2023 9:49 AM
To: Mail-Employees <mail-employees@dcwater.com>
Subject: Paid Parental Leave Benefit (Revised)



Team Blue,

I am writing to provide an update on the added Paid Parental Leave benefit I announced in October 2022. When this new benefit was announced over a year ago, it was immediately available to non-union employees, and we attempted to work with our union leaders to provide this added benefit to our bargaining unit employees. DC Water successfully negotiated and reached an agreement with AFGE Locals 2553 & 872, AFSCME Local 2091, and NAGE R3-06, where these Locals now have Paid Parental Leave as an added benefit for their bargaining unit employees.

The new benefit allows for up to eight weeks (or 320 hours) of paid parental leave to care for a new family member, such as the birth of a child of the employee, placement of a child with the employee for adoption or foster care, or the placement of a child with the employee.

12/28/23, 1:45 AM

AOL Mail - Fw: AFGE Local 631's Response to the Paid Parental Leave Benefit (Revised) Issue by Mr. Gadis, GM

DC Water also negotiated in good faith with AFGE Local 631 since October 2022, and offered the same terms to Local 631 as we offered to everyone else. However, AFGE Local 631 declined the terms. Based on a recent ruling by the Public Employees Relations Board, this benefit is unavailable to **AFGE Local 631** bargaining unit employees.

Sincerely,



David L. Gadis
CEO and General Manager



RECEIVED
Nov 20 2023 05:01PM EST
DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD
Transaction ID: 71455722
David L. Gadis, Chief Executive Officer

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 1385 CANAL STREET, SE | WASHINGTON, DC 20003

November 20, 2023

File & ServeXpress and Email

Clarene Phyllis Martin
Executive Director, PERB
1100 Fourth Street, SW, Suite E630
Washington, D.C. 20024

Barbara Hutchinson
Counsel for Locals 631, 872, and R3-06
1325 G Street, N.W. Suite 500
Washington, D.C. 20005

RE: DC Water's Response to Unions' Request for Impasse Resolution and PERB Informal Inquiry – PERB Case No. 24-I-02

Dear Ms. Martin:

I am writing in response to the Unions', comprised of the American Federation of Government Employees (AFGE), Locals 631 and 872, and the National Association of Government Employees (NAGE), Local R3-06 (collectively Unions), "Unions' Request For Impasse Resolution" and PERB's Informal Inquiry hearing scheduled for November 21, 2023, in this matter. As discussed in more detail below, DC Water has rescinded its offers of paid parental leave and therefore request the hearing be cancelled.

On February 26, 2015, the Council for the District of Columbia enacted DC Law 20-155, providing eligible District government employees up to 8 weeks of paid leave within a 12-month period for certain qualifying conditions. DC Water and its employees are not subject to the requirements or benefits of the District's Government Family Leave Program or the Universal Paid Leave Amendment Act of 2016, by virtue of DC Water's independent agency status.

Because the District's benefits concerning paid parental leave are inapplicable to DC Water, on or about January 8, 2020, DC Water's CEO and GM proposed establishing a Paid Parental Leave program and recommended amending DC Water's personnel regulations to add paid parental leave to the list of un-accrued leave that may be provided to eligible employees.

On July 7, 2022, after completing the rulemaking and public comment period, DC Water's Board of Directors adopted Board Resolution #22-37 which directs the CEO and GM to amend DC Water's Personnel Regulations to add Paid Parental Leave to the types of un-accrued leave that may be granted to eligible employees.

On October 3, 2022, DC Water informed all the unions (including AFGE Local 2553 and AFSCME Local 2091 who are not parties to these proceedings) DC Water was announcing a Paid Parental Leave policy and for bargaining unit employees, this added benefit would need to be bargained over.

On October 5, 2022, DC Water implemented its paid parental leave program for all eligible non-union employees.

On October 31, 2022, DC Water and the Unions held their first bargaining session for paid parental leave and DC Water offered the Unions the same terms for paid parental leave as DC Water made available to non-union employees on October 5, 2022.

AFGE Local 2553 and AFSCME Local 2091 bargained with DC Water over this added benefit and have had this benefit since December 2022. The same terms which were offered to AFGE Local 2553 and AFSCME Local 2091 were offered to the Unions here.

The Unions are now asking PERB to provide impasse resolution on paid parental leave under D.C. Code § 1-617.02(d) and PERB Rule 527. D.C. Code § 1-617.02(d), provides, in pertinent part, "If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, further negotiation appears to be unproductive to the Board, an impasse shall be deemed to have occurred." Id.

Because DC Water is not attempting to incorporate paid parental leave into the parties' CBAs, as D.C. Code § 1-617.02(d) requires, § 1-617.02(d) is inapplicable and PERB has no basis to intervene. Further, DC Water is not obligated to provide paid parental leave to the Unions because DC Water is exempt from the underlying law implementing paid parental leave in the District and paid parental leave is not a mandatory subject of bargaining. As such, DC Water may unilaterally rescind its proposal at any time before it is accepted by the Unions.

Here, the record shows DC Water has bargained with the Unions in good faith over paid parental leave since October 31, 2022. On September 15, 19, and 26, 2023, the parties exchanged Last Best and Final Offers (LBFO) on paid parental leave. The parties rejected each other's LBFOs. Subsequently, DC Water has informed the Unions it has rescinded its offer on paid parental leave, rendering any issue now moot in this matter. Because DC Water is no longer offering paid parental leave to the Unions, the Informal Inquiry is no longer necessary. Therefore, DC Water requests the Informal Inquiry be cancelled in the interest of administrative expediency and to preserve District Government resources for a live controversy, which there is not one here.

Sincerely,

/s/ George E. Spears

George E. Spears, Esq.

Vice President, Labor Relations and Compliance Programs

DC Water

November 21, 2023

Clarene P. Martin
Executive Director
D.C. Public Employee Relations Board
1100 Fourth Street, S.W. Suite E630
Washington, D.C. 20024

via File and Serve Express

Re: Unions' Response to D.C. Water and Sewer Authority's November 21, 2023 Filing

Director Martin:

On November 20, 2023 I received a copy of a letter sent through File and Serve Express at 5:01 p.m. The letter asserts the D.C. Water and Sewer Authority (Authority) is refusing to participate in the non-compensation informal inquiry required by PERB Rule 527.3 and withdrawing from bargaining the subject of paid parental leave.

On April 27, 2023, the Board found the Authority had committed an unfair labor practice and ordered the Authority to bargain with the Unions over the subject of paid parental leave, finding the parties did not dispute the matter was a mandatory subject for bargaining, *American Federation of Government Employees, AFL-CIO Locals 631 and 872 and NAGE Local R3-06 v. D.C. Water and Sewer Authority*, Slip Opinion 1838, at 5-6. The Board held,

The parties do not dispute that the PPL benefit is subject to collective bargaining.
. . . A violation of the employer's statutory duty to bargain under D.C. Code 1-617.04(a)(5) also derivatively constitutes a violation of the counterpart duty not to interfere with, restrain or coerce employees' statutory rights under D.C. Official Code § 1-617.04(a)(1).

Page Two
C.P. Martin
November 21, 2023

The Authority in refusing to participate in the impasse proceeding and rescinding bargaining is committing an intentional violation of the law, which requires a party bargain with the exclusive representative and prohibits interference with the exercise of the rights, of the exclusive representative. The Authority concedes in its letter the benefit continues for non-union employees and unions, with whom it reached an agreement, on the subject. The Authority confirms the regulation for the benefit is currently, in effect. The Authority's actions are penalizing employees represented by the Unions, which have bargained the matter. The Authority's actions are an interference with the Unions right to represent bargaining unit employees.

The Authority presents no legal authority to support its position. The Unions request the Executive Director proceed with this matter, as required by PERB Rule 527.1, 527.4 and 527.9. PERB Rule 527.1 permits the Executive Director to declare impasse on her own motion. The Unions' motion for impasse is properly before the Board. The Executive Director may appoint a mediator, order fact-finding, and interest arbitration. PERB rule 527.12 permits, "Fact-finding or arbitration proceedings directed by the Board may proceed in the absence of any party who, after due notice, fails to be present and fails to obtain an adjournment."

For the Unions,

/s/ Barbara B. Hutchinson
Barbara B. Hutchinson



GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

RECEIVED
DEC 15 2023 07:34AM EST
DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD
Transaction ID: 71631052

December 15, 2023

File & ServeXpress

Barbara Hutchinson, Esq.
1325 G Street NW, Suite 500
Washington, D.C. 20005

George Spears, Esq.
D.C. Water and Sewer Authority
1385 Canal Street SE, 4th Floor
Washington, D.C. 20003

**Re: AFGE, Local 631 and WASA
PERB Case No. 24-I-02**

Dear Representatives:

On November 7, 2023, the Unions filed a Request for Impasse Resolution in the above-captioned proceeding. The Request states that the parties have reached impasse in their negotiations on Paid Parental Leave. However, WASA responded that it has rescinded its offer on Paid Parental Leave, rendering the issue moot.

After reviewing the parties' submissions, this office has determined that impasse resolution proceedings are not the appropriate means of resolving this issue.¹ Therefore, the Request is hereby **DENIED**.

If you have any questions, please do not hesitate to contact this office at (202) 727-1822.

Sincerely,

/s/Clarene Martin
Clarene Phyllis Martin
Executive Director

¹ This decision does not preclude AFGE, Local 631 from seeking other remedies from the Board.



Barbara Hutchinson <bbhattync@gmail.com>

RE: PERB 24-1-02: Paid Parental Leave

1 message

George Spears <George.Spears@dcwater.com>

Tue, Dec 5, 2023 at 3:53 PM

To: Jonathan Shanks <mylocal872@gmail.com>

Cc: Barbara Hutchinson <bbhattync@gmail.com>, howard coles 2 <howardcoles780@gmail.com>

Dear Mr. Shanks:

In exchange for AFGE Local 872 withdrawing from PERB Case No. 24-I-02, concerning Paid Parental Leave, DC Water will provide Local 872 bargaining unit employees with the existing Paid Parental Leave program available to non-union employees. The effective date of this will be December 6, 2023, and available to Local 872 members from that date and moving forward (no retro application). Thank you and let me know if you have any questions.

George Spears

From: Jonathan Shanks <mylocal872@gmail.com>

Sent: Tuesday, December 5, 2023 3:48 PM

To: George Spears <George.Spears@dcwater.com>

Cc: Barbara Hutchinson <bbhattync@gmail.com>; howard coles 2 <howardcoles780@gmail.com>

Subject: PERB 24-1-02: Paid Parental Leave

EXTERNAL EMAIL: This email was NOT sent by a DC Water Team Member. Use CAUTION before CLICKING a link or OPENING any attachment in this email. For additional analysis of this email message by the Cyber Team, please click the "Report Message" icon found in the upper right-hand corner of this message.

Good afternoon Mr. Spears,

AFGE Local 872, is withdrawing from the PERB case #24-1-02, regarding Paid Parental Leave so that our members can participate in the Authority-wide Paid Parental Leave benefit.

Respectfully,

2 attachments

EXHIBIT 1

dc DC Water Operations and Engineering DC PE Compliance – General Background

Chapter 28 of Title 47 of the District of Columbia Official Code

Definitions as it relates to "Practice of Engineering (POE)" §47-2853.131 and 17 DCMR §1599

Update on PE Licensure from Department of Licensing and Consumer Protection...

dc
water is life

3/7/2023

AN ACT
D.C. ACT 24-660

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 22, 2022

To amend Chapter 28 of Title 47 of the District of Columbia Official Code to clarify eligibility requirements for professional engineers and to re-establish an exemption for engaging in engineering work without a license for employees, officers, and consultants of the District government and independent agencies, as well as graduates of accredited engineering programs who work under the supervision of a professional engineer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Engineering Licensure Amendment Act of 2022".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2853.132 is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Notwithstanding subsection (a) of this section, an applicant for licensure as a professional engineer may establish to the satisfaction of the Board of Professional Engineers that the applicant is licensed or certified as a professional engineer and in good standing in another state or is endorsed or certified by a national certifying organization and presents proof thereof to the Board. An applicant licensed and in good standing in another state must demonstrate to the satisfaction of the Board that, at the time the applicant was issued a license by the other state licensing entity, the licensure standards in that state were at least as high as those required by the laws of the District."

(b) Section 47-2853.133 is amended to read as follows:

"(a) Unless licensed pursuant to § 47-2853.132, no person shall:

"(1) Undertake responsible charge for the practice of engineering;

"(2) Use the title "professional engineer," "registered engineer," "engineer," or "engineering design" or display or use any words, letters, figures, signs, marks, advertisements, or any other symbols or devices indicating or tending to indicate that the person is a licensed engineer or professional engineer; except, that this subparagraph shall not apply to a person who uses the title "professional engineer" or "registered engineer" or otherwise indicates the person is a licensed engineer or professional engineer in accordance with the laws of another jurisdiction in which the person is licensed as a professional engineer and in good standing, to

1

Remain in good standing in another jurisdiction in which the person is licensed, except also, that any person may use the title "engineering aide," "engineering assistant," "engineering technician," or "engineering technologist"; or

ENROLLED ORIGINAL

11302023 v8 Draft Final

dc
water is life

MORANDUM

All Operations and Engineering Employees

DM: Wayne Griffin, EVP, Acting Chief of Operations
RU: David Parker, Vice President, Engineering
PE: March 1, 2023

Update on Department of Licensing and Consumer Protection (DLCP) formerly Department of Consumer and Regulatory Affairs (DCRA) Professional Engineer (PE) Licensure and Representation Requirements

Intending to provide an update on the District's Professional Engineer licensure law and CP compliance guidance

As our last formal communication on this initiative, the DC Council passed the Engineering Licensure Amendment Act of 2022 (Act) which was signed by Mayor Bowser on November 22, 2022 and became D.C. Law 24-0248 effective February 23, 2023. A copy of the Act is attached to this memo. The Act permits, among other things, employees without a DC PE license to perform duties that include the practice of engineering while under the responsible charge of a licensed DC PE. Managers will be scheduling meetings with impacted employees to explain the Act and how it affects the manner in which they will perform their job function, as applicable.

Water has reviewed and is revising job descriptions, titles, and functions to ensure work is licensed and representation is made consistent with the Act. Many DC Water jobs are covered by the DLCP compliance initiative and the Act, including jobs that are part of AFGE 2401 631 and 672 bargaining units. DC Water is engaging with the Union representatives on-site matters and is working with them to address any needs the Act may have on DC Water employees, including job titles, descriptions, and functions, etc.

Employees without a DC PE license must continue to omit "engineer" and "engineering" from a title in all correspondence, including but not limited to emails, memos, presentations, voice & business cards, and DC Water social media.

Employees holding a PE from another jurisdiction, we continue to encourage you to get listed as a PE at DC and contact John Orin, Manager, HR/OPS, on the status of your efforts. We continue to work with DLCP to expedite your license requests. If you hold a bachelor's degree in engineering from an ABET-accredited school, DC Water encourages you to take the Subelements of Engineering (SE) exam and/or the Professional Engineering (PE) exam.

Notwithstanding the final legislation, individuals who have an out-of-state PE license can use the title "engineer" but must remain in the jurisdiction of their out-of-state PE license. i.e., "Susan Smith PE (MD)".

1 | water.com

dc DC Water Operations and Engineering DC PE Compliance – General Background

Chapter 28 of Title 47 of the District of Columbia Official Code

Definitions as it relates to “Practice of Engineering” §47-2853.131 and 17 DCMR §1599



MEMORANDUM

TO: All Operations and Engineering Employees
FROM: Wayne Giffin, EVP, Acting Chief Operating Officer
THRU: David Parker, Vice-President, Engineering

DATE: March 1, 2023

RE: Update on Department of Licensing and Consumer Protection (DLCP) (formerly Department of Consumer and Regulatory Affairs or DCRA) Professional Engineer (PE) Licensure and Representation Requirements

I am writing to provide an update on the District's Professional Engineer licensure law and DLCP compliance initiative. Since our last formal communication(s) on this initiative, the DC Council passed the Engineering Licensure Amendment Act of 2022 (Act), which was signed by Mayor Bowser on November 22, 2022 and became D.C. Law 24-0248, effective February 23, 2023. A copy of the Act is attached to this memo. The Act permits, among other things, employees without a DC PE license to perform duties that include the practice of engineering while under the responsible charge of a licensed DC PE. Managers will be scheduling meetings with impacted employees to explain how the Act may affect the manner in which they will perform their job function, as applicable.

DC Water has reviewed and is revising job descriptions, titles, and functions to ensure work is performed and representations are made consistent with the Act. Many DC Water jobs are impacted by the DLCP compliance initiative and the Act, including jobs that are out of AFGE Local 631 and 872 bargaining units. DC Water is engaging with the Union representatives on these matters and is working with them to address any impacts the Act may have on DC Water operations, including job titles, descriptions, and functions, etc.

All employees without a DC PE license must continue to seek "supervise" and "engineering" from their title in all correspondence, including but not limited to letters, emails, presentations, voice mail, business cards, and DC Water social media.

For employees holding a PE from another jurisdiction, we continue to encourage you to get licensed as a PE in DC and contact your Driver, Manager, HRBP, on the status of your efforts. We will continue to work with DLCP to expedite your license requests. If you hold a Bachelor's degree in engineering from an ABET-accredited school, DC Water encourages you to take the Fundamentals of Engineering (FE) exam under the Professional Engineering (PE) exam.

¹ In accordance with the final legislation, individuals who hold an out-of-state PE license cannot use the title of Engineer but must denote the jurisdiction of their out-of-state PE license, i.e., Susan Smith PE (MD).

DATE: March 1, 2023

RE: Update on Department of Licensing and Consumer Protection (DLCP) (formerly Department of Consumer and Regulatory Affairs or DCRA) Professional Engineer (PE) Licensure and Representation Requirements

I am writing to provide an update on the District's Professional Engineer licensure law and DLCP compliance initiative.

Since our last formal communication(s) on this initiative, the DC Council passed the Engineering Licensure Amendment Act of 2022 (Act), which was signed by Mayor Bowser on November 22, 2022 and became D.C. Law 24-0248, effective February 23, 2023. A copy of the Act is attached to this memo. The Act permits, among other things, employees without a DC PE license to perform duties that include the practice of engineering while under the responsible charge of a licensed DC PE. Managers will be scheduling meetings with impacted employees to explain how the Act may affect the manner in which they will perform their job function, as applicable.

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DC Water Operations and Engineering DC PE Compliance – General Background

Chapter 28 of Title 47 of the District of Columbia Official Code

Definitions as it relates to “Practice of Engineering” §47-2853.131 and 17 DCMR §1599

Practice of Engineering (POE) (§47-2853.131, 17 DCMR §1599): Any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences, provided in consultation, investigation, expert technical testimony, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land, air, and water, teaching advanced engineering subjects, performing engineering surveys and studies, and the **review of construction for the purpose of monitoring compliance with drawings and specifications**, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other [REDACTED]. Said practice includes the doing of such architectural work, as is incidental to the practice of engineering.

Design Coordination (17 DCMR §1599): The review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors or land surveyors, and other professionals working under the direction of the engineer.

Engineering Surveys (17 DCMR §1599): All survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, **excluding** the survey of real property for the establishment of land boundaries, rights-of-way, easements, configuration or contours of the Earth’s surface, and the dependent or independent surveys or resurveys of the public land survey system.

[REDACTED]: must be licensed professional engineer for discussions/meetings to resolve issues surrounding the Planning and Design of an engineering project

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DC Water Operations and Engineering DC PE Compliance – General Background

Definitions as it relates to “Professional Conduct” 17 DCMR §1517

Direct Supervisory Control (Responsible Charge) 17 DCMR §1517.5(c).1: requires a licensee or employee to carry out client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review.

Responsible Charge (17 DCMR §1599 Definitions): mean *direct control* and personal *supervision* of engineering work or surveying or land surveying.

Direct Control (Ref: Feb 17, 2016 Speights Letter, page 3, first paragraph for ‘degree of control’): 1) personally makes all professional engineering decisions or reviews and approves proposed decisions prior to their implementation, including consideration of alternatives, whenever technical decisions are made; 2) judges the qualifications of technical specialist and the validity and applicability of their recommendations before such recommendations are incorporated in the work.

Supervision (DCMR 1517.5 (c) 1.): the act of supervising all job requirements to include research, planning, design, field supervision and work product review.

General Guidance

DC Professional Engineer license is not required IF staff/employee “assists in the conduct of research, acts as a draftsman or technician, or performs other preparatory work” that must be reviewed and accepted by a licensed DC PE.

Duties within the scope of the **practice of engineering** will be performed under the responsible charge of a District of Columbia licensed DC PE as defined in D.C. Official Code Section 47–2853.131.

An unlicensed individual’s assessment or ideas must be vetted by a licensed DC PE **prior** to communication and adoption into the engineering project.

The **DC licensed PE may be** a DC Water employee or consultant; and may be the Engineer of Record (EOR)/Project Design Engineer (PDE), a construction management professional, or another subject matter expert.



DC Water Operations and Engineering DC PE Compliance – General Background

Execution of Capital Projects

Project Managers in the Operations and Engineering are responsible for the contract administration and confirming compliance with Contract requirements for the delivery of the Capital Projects. Projects are developed by both in-house staff (e.g., Small Diameter Water Main Replacement (SDWMR) and DETS Concept Design Report (CDR)) and external Consultant/Project Design Engineer (PDE). The following slides outline Engineering's contract documents and standard operating procedures (SOP) required by all staff both internal and external in the CIP Project Delivery in Planning, Design, and Construction phases. Each phase where the work/task is considered the "**Practice of Engineering (POE)**" will require a Work Plan that identifies a DC licensed PE in **Responsible Charge or Engineer of Record (EOR)** and written verification of compliance during each delivery phase.

Engineering Support for DC Water Operations and Facilities

DC Water staff in the Operations and Engineering departments are responsible for collaborating and coordinating with stakeholders from Department of Pumping and Sewer Operations (DPSO), Department of Water Operations (DWO), Department of Wastewater Treatment (DWT), and Facilities, to develop the ten-year CIP plan and capital project identification/needs requirement. Additionally, unlicensed professional engineer (PE) staff may provide technical support, review, and design as requested from Operations that result in a modification, replacement, and/or new addition and that is considered the "**Practice of Engineering (POE)**" will require a written verification that identifies a DC licensed PE in **Responsible Charge or Engineer of Record (EOR)** has approved the work/recommendation.

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DC Water Operations and Engineering DC PE Compliance – General Background

Internal and External Professional Requirements

DC Water Project Design Manual (PDM)

PDM documents design requirements for both internal and external project teams. Reference (PDM) Volume 1, Section 6.1:

“Designs shall be developed by or under the direct supervision of design professionals licensed in the District of Columbia, who are knowledgeable in the requirements of the discipline involved. Additionally, property and topographic surveys required for designs shall be performed by land surveyors licensed in the District of Columbia. Exceptions are that surveys and designs for construction in Virginia or Maryland shall be prepared by professionals licensed in those respective jurisdictions.

All final drawings, specifications, calculations, studies, and reports issued for a project shall be sealed and signed by the licensed surveyor, architect, or professional engineer in the respective discipline who is responsible for their preparation; who is licensed in the District, or jurisdictions noted above when applicable.

Documents prepared by a subconsultant for either the PM or PDE shall be signed by representatives of both firms. The PM shall not sign documents prepared by PDEs under contract agreement. Seals shall be affixed on each drawing in a set of contract drawings and on the signature pages of specifications, calculations, studies, and reports.

Documents prepared by DC Water shall be approved and signed by a DC Water approved signatory licensed in the District of Columbia.”



DC Water Operations and Engineering

Summary of Functions Considered POE that Require DC PE/EOR to Approve

Planning Phase

Approve Condition Assessment for engineering assessments related to electrical, structural, mechanical, or pipe design. The use or analysis of such data to render an opinion or make a decision about what to do about the condition is the practice of engineering.

Approve Concept Design Report

Approve Facility Master Plan(s)

Approve Hydraulic Model(s)

Approve Tech Memo/Study

Design Phase

Approve Report/Basis of Design/Tech Memo/Study/CFR/Design Lock-In

Approve/Accept DC Water design comments

Construction Phase

Approve Technical Shop Drawing Submittal(s)

Approve Contractor Request for Material or Equipment Substitution/Deviation

Approve technical response to Request for Information (RFI) from Contractor to CM/EOR or technical Request for Clarification (RFC) from DCW/CM/EOR to the Contractor

Approve Request for Proposal (RFP)

Review of Technician/Inspector Daily Field Reports when a deviation or discrepancy has been documented or Site Visits in the field to determine compliance with Contract Documents

Approve changes or deviations in the work as a field modification, or approve resolution of non-administrative (Technical) NCN

Operational Support and Emergency Work

Engineering staff responding to a request or otherwise provide support to Operations that is deemed the *Practice of Engineering (POE)* must have their recommendation(s) Approved by a licensed DC PE in *Responsible Charge*

Any Change to the system design and/or operability will require a DC PE to Approve the design/repair before the work can be implemented

DDOT and Private Developer Projects

Approve technical RFI related to a deviation to DC Water's asset installation

Approve deviations to DC Water standards and details



DC Water Operations and Engineering

Summary of Functions Impacted by DC PE Compliance

Planning Phase

No Impact. Any work deemed the POE or design comment by DC Water staff must be Accepted/Approved by EOR

Project Manager will distribute the deliverables for review and comment by internal and external stakeholders/subject matter experts (SME). Acceptance/Approval of the comments is by the EOR

Design Phase

No Impact. Any work deemed the POE or design comment by DC Water staff must be Accepted/Approved by EOR

Project Manager will distribute the deliverables for review and comment by internal and external stakeholders/subject matter experts (SME). Acceptance/Approval of the comments is by the EOR

Construction Phase

Daily Report form(s) in Uniflier has been modified with additional fields for Technician/Inspector to select (as applicable): deviations, discrepancies, or unforeseen conditions that will require the contractor to submit an RFI for EOR approval.

Technician/Inspector or Unlicensed DC PE can not direct any technical/design deviation that are outside of the contract documents without written Approval from the EOR

Technician/Inspector, Unlicensed DC PE, or Qualified/Competent Individual are permitted to Review Shop Drawing Submittal(s), RFI/RFC, RFP, deviations, and Substitution(s) and make recommendations; however, any technical decision that modify/change the design intent/document must be Approved by the EOR

Construction PM/RE/CM is responsible to verify that required supporting information/documents are provided before RFI is forwarded to EOR for action. Construction PM/RE/CM is also responsible to follow-up as necessary with EOR for a response within the allocated time.

Operational Support and Emergency Work

Unlicensed DC PE or Qualified/Competent staff responding to a request or otherwise provide support to Operations that is deemed the *Practice of Engineering (POE)* must have their recommendation(s) approved by a licensed DC PE in *Responsible Charge*

DDOT and Private Developer Projects

Any design comment must be Accepted/Approved by DDOT/Developer EOR

Daily Report form(s) in Uniflier has been modified with additional fields for Technician/Inspector to select (as applicable): deviations or unforeseen conditions will require the contractor to submit an RFI for EOR approval.

Technician/Inspector or Unlicensed DC PE can not direct any technical/design deviation that are outside of the contract documents without written Approval from the EOR

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DC Water Operations and Engineering

Summary of Functions Impacted by DC PE Compliance

Planning, Design, Construction, and Operational Support and Emergency Phases

Impacted Positions without a DC PE (current titles/JD): *Engineers I, II, and III* (Civil Design and Civil Construction), *Technicians I, II, and III* (Surveying, Design and Construction Civil), *Civil and Mechanical Engineer 13*, *Program Manager* (Planning, Design, Operations, Asset Management), *Supervisor and Sr Manager* (Field Technician, Construction, Operations (Permit, Pumping and Sewer, Water, and Wastewater Treatment)).

Functions

- DC Water employees working under DC PE *Responsible Charge* can Assist, Review, and Comment on:
 - ✓ Condition Assessments
 - ✓ Concept Design Report
 - ✓ Design Coordination
 - ✓ Basis of Design
 - ✓ Technical Memorandum
 - ✓ Concept Finalization Report
 - ✓ Design Review Workshops
 - ✓ Design Lock-in Memorandum
 - ✓ Linear or vertical designs
 - ✓ Construction for compliance with drawings and specifications
- Design review comments from staff/employees without a DC PE **do not have to be reviewed by a DC PE prior** to transmitting to the Engineer of Record (EOR). The EOR will review all comments and decide whether to accept or reject the comments and incorporate in the Design
- Unlicensed DC PE or Qualified/Competent staff responding to a request or otherwise provide support to Operations that is deemed the *Practice of Engineering (POE)* must have their recommendation(s) approved by a licensed DC PE in *Responsible Charge*

dc DC Water Operations and Engineering CIP Planning Phase – Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Perform Condition Assessment	Yes and No	1) Yes - engineering assessments related to electrical, structural, mechanical, or pipe design. The use or analysis of such data to render an opinion or make a decision about what to do about the condition is the practice of engineering. 2) No - assessments via CCTV performed by operators and non-engineers that may take into account observations that do not entail engineering analyses.			1. Task Plan/Work Plan for Condition Assessment for CIP related needs to identify EOR 2. Deliverable(s) must be in Unifler, and form in Unifler to document approval from EOR
Prepare Concept Design Report	Yes		All Staff	EOR is responsible to prepare the CDR gg approve CDR repaired by staff under responsible charge	
Review and Approve Concept Design Report, Facility Master Plan(s), Hydraulic Model, Tech Memo, and Study	Yes		All Staff, P&M consultant, PDE	DC Water comments on the work product returned to the consultant do not have to be reviewed by a DC PE before transmitting to Consultant or DC Water PM. Final decision to accept or reject DC Water comments will be by the EOR from either Consultant or DC Water employee in responsible charge.	None. Current process

Pending Unifler Form/Workflow Revision

References

- For Conditional Assessment Inspections contract, see:
 - Professional Services Contract, Exhibit A General Provisions, Licensed Professionals and
 - Project Design Manual, Volume 1, Project Work Plans
- Concept Design Report (CDR) template

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dc DC Water Operations and Engineering
CIP Design Phase – Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Review and Approve Report/Basis of Design/Tech Memo/Study/CFR/Design Lock-in	Yes		All DC Water Staff and PgM consultant	DC Water comments on the work product returned to the consultant do not have to be reviewed by a DC PE. Final decision to accept or reject DC Water comments is by EOR in responsible charge.	1. Revise SOP 3070 Comment Review Spreadsheet to document approval technical comments by EOR. Status of Bluebeam being used for Comment Review and Resolution 2. Verify PDE/EOR has Internal QA/QC checklist and approval process to document EOR approval in PQP
Participate in Design Review Workshop(s)	Yes		All DC Water Staff and PgM consultant	The EOR will review <u>all</u> comments and decide whether to accept or reject the comments and incorporate in the Design	Revise Comment Review Spreadsheet and workshop minutes to document approval technical comments by EOR

References

- SOP 3100 Design Lock-in
- SOP 3070 Design Review Comment
- Professional Services Contract, Exhibit A General Provisions, Licensed Professionals
- Project Design Manual, Volume 1, Project Work Plan
- Project Quality Plan (PQP) Checklist

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dc DC Water Operations and Engineering
CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
<u>Approve</u> Shop Drawing Submittal	Yes	Using <u>Submittal Register</u> , EOR will identify which technical submittals must be Approved by EOR	EOR, Unlicensed Engineer under Responsible Charge, Qualified/Competent Individual	All technical shop drawings shall be <u>Approved</u> by EOR; however, can be <u>Reviewed</u> by Unlicensed Engineer or Qualified/Competent Individual under Responsible Charge of DC PE.	1. Revised approval workflow and form in Unifier to document approval from EOR 2. Revise SOP 5070 Shop Drawing Submittals
<u>Review</u> Contractor Request for Material or Equipment Substitution/Deviation	Yes	Consideration of alternatives/substitution/deviations from original design documents must be Approved by EOR	Construction PM, Unlicensed Engineer under Responsible Charge, Qualified/Competent Individual EOR, DC PE	Can be <u>Review</u> by EOR or by Unlicensed Engineer or Qualified/Competent Individual under Responsible Charge of DC PE	
<u>Approve</u> Contractor Request for Material or Equipment Substitution/Deviation	Yes	Consideration of alternatives/substitution/deviations from original design documents must be Approved by EOR		EOR will <u>Approve</u> alternatives/substitution/deviation before incorporating in the work	Revised approval workflow and form in Unifier to document approval from EOR. Unifier has a field for Contractor to Indicate "Conforms to Specifications" (Yes/No) under Submittal Reviews
<u>Review</u> and <u>Approve</u> Technical Request for Information (RFI) from Contractor to CM/EOR or Request for <u>technical</u> Clarification (RFC) from DCW/CM/EOR to the Contractor	Yes	1) RFI's related to technical or design issues/deviation must be approved by EOR. 2) Clean Rivers does not use RFC for Owner/Construction CM to ask Contractor a question. RFC functionality in Unifier is 'turned off' for Clean River. 3) DETS and DWF Construction CM/PM uses both RFI and RFC functionality in Unifier. 4) Unifier has the ability to use RFI and RFC.	EOR, Unlicensed Engineer under Responsible Charge, Qualified/Competent Individual	<u>Review</u> of 'technical' RFI/RFC' can be performed by Unlicensed Engineer under Responsible Charge or by competent/qualified individual <u>Approval</u> of 'technical' RFI/RFC' must be by EOR	1) Revised approval workflow and form in Unifier to document when an RFI is of a Technical nature and requires the approval or acknowledgement from EOR 2) Create in Unifier field for Contractor to Indicate "Is this RFI Technical that Require the Approval by EOR" (Yes/No) 3) Need to identify who the RFI Coordinator needs to be: Supervisor and Resident Engineer?
Pending Unifier Form/Workflow Revision					

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dc DC Water Operations and Engineering
CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
<u>Approve</u> Request for Proposal (RFP)	Yes	1) Any technical change from original design documents must be <u>approved</u> by EOR	EOR	EOR approves the RFP in consultation with Supervisors and Managers	No change to Unifier workflow but will add fields to RFP and Issues Form. The form will have question "does this require EOR Approve" (Yes/No). If "Yes" will require name and PE ## to be inserted or selected from list.
<u>Observation</u> of Work in the field and preparation of daily field reports	Yes	Daily Report by Inspector/Technician records the activities, equipment, and material for each day, and gives verbal direction to Contractor to conform with Contract Documents.	Technician, Supervisor Technician, Construction PM, Unlicensed Engineer under Responsible Charge	EOR will coordinate with the <u>Technician Supervisor or Construction Project Manager</u> to review Technician's (Inspector's) Daily Report accordingly or if RFI is submitted by Contractor due to deviation/deficiency noted by Inspector/Technician	1) Revise SOP 5090 Site Inspection 2) Revise SOP 5110 Daily Report 3) Revise SOP 5100 Material Testing

Pending Unifier Form/Workflow Revision

dc DC Water Operations and Engineering
CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Review of Inspector's <u>Daily Field Reports</u> or Site Visits in the field to determine compliance with Contract Documents	Yes	Review of Inspector/Technician reports, review of deviation or deficiency or NCN/RFI, or site visit to assure reports and field activities are in compliance with approved Contract documents and approved technical change orders	Technician Supervisor, Construction PM, EOR	<ol style="list-style-type: none"> 1) EOR will coordinate with the <u>Technician Supervisor or Construction Project Manager</u> to review Technician's Daily Report 2) Technician Supervisor/Construction PM to inform EOR of any unresolved Non-Compliance Notice (NCN), RFI, and milestone events requiring onsite presence. 	<ol style="list-style-type: none"> 1) Revise approval workflow and form in Unifier for Technician Supervisor upon reviewing Inspector's Daily Report to select "Yes/No" in Daily Report whether EOR review is required due to deviation/deficiency/RFI or non-compliance work. Revise Dashboard in Unifier for designated EOR for each Contract to review the Daily Report. 2) Conduct enhanced training for Technician/Inspector and Technician Supervisor for Supervisor to Indicate in Unifier if Daily Report requires EOR when "Yes/No" is selected. 3) Reinforce daily morning meeting between Technician and Supervisor to discuss any issues in previous Daily Report for prompt action. 4) Determine Service Level Agreement (SLA) for EOR turn-around time
Pending Unifier Form/Workflow Revision					

dc DC Water Operations and Engineering
CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
<p><u>Approve</u> changes or deviations in the work as a field modification, or approve resolution of non-administrative (technical) NCN</p> <p>Pending Unifier Form/Workflow Revision</p>	Yes	<p>Technical/Deviation/NCN Issues will be reviewed and approved by EOR</p> <p>EOR is only required when there is a 1) technical determination regarding design intent or adequacy of constructed work and 2) to approve resolution of non-administrative (technical) NCN</p>	EOR, Technician, Supervisor Technician, Construction PM, Unlicensed Engineer under Responsible Charge	EOR will coordinate with Supervisor and Construction Manager to approve all Technical/Deviation/non-administrative (technical) NCN Issues	<p>1) Revised approval workflow and form in Unifier to document approval from EOR. Insert at NCN Review a Yes/No "Requires EOR to Approve." Revise workflow to depict the Advisory Notice or NCN - same input screen.</p> <p>-NCN</p> <p>-How to note in Daily Log, as applicable, the Advisory Notice/NCN that will alert EOR to engage/approve non-administrative/technical NCN?</p> <p>2) Field adjustments due to inaccurate information or changed conditions depicted in Contract Documents needs to have a trigger when a EOR approval will be required before implementing.</p> <p>3) Determine Service Level Agreement (SLA) for EOR turn-around time</p>



DC Water Operations and Engineering Documentation of DC PE Compliance

Procedures for Review of

District Department of Transportation (DDOT) and Developer Submittals

Comments from an Unlicensed DC PE or Competent/Qualified DC Water staff reviewing DDOT and Developers plans and specifications do not have to be reviewed by a DC PE prior to transmitting to DDOT and Developer. Final decision to accept or reject DC Water comments will be by EOR in responsible charge that is contracted with DDOT/Developer.

DC Water Supervisor/Manager for DDOT and Private Developer projects need to ensure that staff have access to resources and construction management tools (e.g., Unifier, Maximo) to catalogue and track DDOT and Developer design review comments, construction inspection, daily reports, RFI response and approval, have access to standard details and guidelines for field compliance instructions in the installation of DC Water's assets, and access to DC PE to approve technical RFI related to DC Water's asset installation or deviations to DC Water standards and details.

Key Functions: Design Review, RFI response and approval, Daily Report and Inspection, Field Deviation and Compliance Guidelines, Construction Inspection standard functions.

Next Steps:

- 1) Determine which DDOT and Developer working documents that are stored on the "I" drive will be used in the selected Maximo/Unifier system to administer the design review and construction management/inspection work (see *Key Functions above*).
- 2) Proposed the use of Maximo/Unifier to administer/manage DDOT and Developer projects. Determine if Maximo can generate reports to verify compliance during an audit.
- 3) Coordinate with Unifier to utilize the listed 'Key Functions' forms and processes being revised/developed to be incorporated in Maximo workflow.
- 4) Identify/determine workflow for DC Water DDOT and Developer DETS team to utilize Daily Report to document work in accordance with executed Memorandum of Understanding (MOU) for each project per the 2002 MOA guidelines.

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DC Water Operations and Engineering Documentation of DC PE Compliance

Procedures for Engineering Support of DC Water Operations Groups (DPSO, DWO, DWT, Facilities) and Emergency Work

Standard Operating Procedures

Engineering staff responding to a request or otherwise provide support to Operations that is deemed the *Practice of Engineering (POE)* must have their recommendation(s) approved by a licensed DC PE in *Responsible Charge* before responding to Operations with the recommendation and implementing any work.

In-kind equipment replacement or emergency repair that meets the design specification of the equipment being replaced is not considered the POE and does not require DC PE to approve the repair.

Operations requesting for High Priority work will require a DC PE under the following conditions:

- a) Any Change to the system design and/or operability will require a DC PE to approve the design/repair before the work can be implemented

Next Steps:

- 1) Currently, request for Engineering technical assistance from Operations is by way of email or phone call to Steve Bian (Civil and Structural), Mark Reid (Civil), and/or Denise Edwards (Electrical, Mechanical, and HVAC).
- 2) Evaluate use of Maximo/Unifier for Operations staff to submit a work order to request for Engineering technical assistance and/or design support/modification.
- 3) Develop centralized process for documenting and tracking requests/tasks/assignments/workshops and identify Responsible Charge EOR to approve technical decision/approach.
- 4) High Priority (AECOM Miscellaneous Facilities Upgrade (MFU) Contract Management) needs to utilize BOA Agreement to issue Task Order for EOR to support 3rd Party Construction Management (CM) and provide Engineering Services During Construction (ESDC) to comply with EOR requirements outlined herein.



**DC Water Operations and Engineering
Documentation of DC PE Compliance**

**Appendix of Engineering Functions that do not require DC
PE/EOR to Review/Approve**

dc DC Water Operations and Engineering
CIP Planning Phase – Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Accept Concept Design Report	No	Contract administration. Not considered POE			

References

- For Conditional Assessment Inspections contract, see:
 - Professional Services Contract, Exhibit A General Provisions, Licensed Professionals **and**
 - Project Design Manual, Volume 1, Project Work Plans
- Concept Design Report (CDR) template

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DC Water Operations and Engineering CIP Design Phase – Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Provide design review comments to In-house and Consultant Design/Study	No		All Staff and PGM consultant	DC Water comments on the work product returned to the consultant do not have to be reviewed by a EOR before transmitting to Consultant. Final decision to accept or reject DC Water comments is by EOR	Revised SOP 3070 Design Review Comment to address comment closeout and escalation
Review and Approve Project Work Plan (PWP)	No	1) Contract administration function. Not considered POE. 2) Project Manager reviewing against PDM Vol 1 requirements	DC Water Design Project Manager		1. Revise PDM Vol and PQP template to require Responsible Charge to be Identified in Org Chart. 2. Revise PQP template to require PDE internal process to show Responsible Charge approval. Review Attachment A Checklist
Review and Approve Project Quality Plan (PQP)	No	1) Contract administration function. Not considered POE. 2) Project Manager reviewing against PDM Vol 1 and PQP Checklist Template requirements	DC Water Design Project Manager		1. Revise PDM Vol and PQP template to require Responsible Charge to Identified in Org Chart. 2. Revise PQP template to require PDE internal process to show Responsible Charge approval. Review Attachment A Checklist

References

- SOP 3070 Design Review Comment
- Professional Services Contract, Exhibit A General Provisions, Licensed Professionals
- Project Design Manual, Volume 1, Project Work Plan
- Project Quality Plan (PQP) Checklist

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dc **DC Water Operations and Engineering** CIP Design Phase – Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Accept Report/Basis of Design/Tech Memo/Study	No	Contract administration. Not considered POE.	All DC Water Staff and PgM consultant	DC Water comments on the work product returned to the consultant do not have to be reviewed by a EOR. Final decision to accept or reject DC Water comments is by consultant EOR in responsible charge.	
Perform Constructability Review	No	Consist of Construction and Operation reviewing for means and methods, sequence, Maintenance of Plant Operation (MOPO), cost effectiveness, schedule or site constraints, and ensuring the project is buildable, biddable, operable, and maintainable.	DC Water Construction and Operations staff, PgM consultant, and/or 3rd Party CM under Responsible Charge	The EOR will review all comments and decide whether to accept or reject the comments and incorporate in the Design	<ol style="list-style-type: none"> 1. Review/Revise PDM Volumes to verify adequate direction/requirement to perform Constructability, Operability, and Maintainability review by staff and PgM Consultant, 3rd Party CM 2. Revise Project Quality Plan (PQP) to verify identification of Constructability and PDM Volume compliance 3. Update/revise draft Constructability SOP prepared by Tim 4. Update/revise Supplemental Design Review Checklist 5. Update/revise SOP 3005 Design Submittal Distribution List to clarify Constructability Stakeholder

References

- SOP 3100 Design Lock-in
- SOP 3070 Design Review Comment
- Professional Services Contract, Exhibit A General Provisions, Licensed Professionals
- Project Design Manual, Volume 1, Project Work Plan
- Project Quality Plan (PQP) Checklist

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dc DC Water Operations and Engineering
CIP Design Phase – Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Determination and calculation of Liquidated Damage (LD) amount	No	Contract administration. Not considered POE. Calculation by DC Water Construction staff for CM Manager Services for each day of delay	DC Water Construction and Procurement		
Prepare and Approve Design Lock-In Memorandum	No	Contract administration. Not considered POE. Compliance with SOP 3100 Design Lock-In recommending the next phase of design. Prepared by Design PM thru Design Branch Manager to Department Director.	Design Project Manager	Engineering Department Director (EOR) will approve/sign the Design Lock-in memo recommendation from Design PM thru Design Branch Mgr to Operations Director/VP	
Review and Approve Pre-Solicitation Checklist and Certification	No	1) Contract administration function. Not considered POE. 2) Non-technical and not POE. Confirm QC and Checklist requirements for Solicitation have been satisfied and EOR have signed and seal documents.			Verify SOP 4040 Pre-Solicitation Checklist and Certification

References

- SOP 3070 Design Review Comment
- Project Quality Plan (PQP) Checklist

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DC Water Operations and Engineering CIP Construction Phase – Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Prepare and Issue Notice to Proceed (NTP)	No	Non technical and not POE. Contract Administration function	Construction Manager		
Conduct Pre-Construction Conference/Kick-off Meeting	No	Non technical and not POE. Contract Administration function consisting of: contacts, SOW, Safety, Compliance, Insurance/ROCI, Permits, Submittals, Schedule, Document Mgmt, Communication/Correspondence process, Payments	Supervisor, Construction Manager	Attend Kick-off meeting for EOR to become familiar with requirements of the contract and address any questions from Contractor and CM team.	1. All Construction Management Contract needs to <i>submit a Program/Contract Work Plan prior to commencement that identify the EOR (Responsible Charge) for each Contract</i> 2. Revise Stage Gate 4 in Unifier to include requirement to submit Work Plan and Org Chart identifying EOR assigned to each construction contract
Review Shop Drawing Submittal	No	Using Submittal Register at Pre-Final design phase, Engineer of Record (EOR) EOR will identify which <i>non-technical submittals</i> can be Reviewed and Approved by competent unlicensed Construction Management staff For Example: Division 01 Submittals, Hardware-Doors, Tree Protection and Trimming, Sewer Line Chemical Root Treatment, Chain link fencing, seeding, etc.	Construction PM, Unlicensed Engineer under Responsible Charge, Qualified/Competent Individual	Non-technical shop drawings can be both Reviewed and Approved by staff under the direction of EOR in responsible charge. EOR will establish expectation for when notification is needed.	1. Revise SOP 5070 Shop Drawing Submittals 2. Update Unifier form to verify "technical" submittals were approved by EOR Pending Unifier Form/Workflow Revision

References

- Verify PDE Submittal Register [\[click link\]](#) identification of Technical Shop Drawing submittal require EOR Approval
- Include IBC Special Inspection that require EOR review/approve as well
- SOP 5070 Shop Drawing Submittals
- SOP 5320 Construction Quality Assurance Procedure (Purpose: oversight of construction management and contracts)
- Construction Management Quality Management Plan (QMP) See Section 4
- Exhibit C-4 Standard Scope of Work for Construction Management, Section 2.1 Work Plan
- Exhibit E - Engineering Services During Construction

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CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Attend daily/weekly construction coordination and monthly status meetings	No	1) The coordination meeting is to provide a status and identify items/documents/issues/payments/CO that are pending review and approval. An EOR does not need to attend. 2) Technical decisions must be approved by EOR.	Technician, Technician Supervisor, Supervisor, Construction PM	All technical decisions that deviate from the design intent and construction documents must be approved by a EOR.	
Review and approve monthly construction progress report(s) and meeting minutes submitted by Contractor	No	1) Administrative/Project Status Briefing is non technical and not consider "monitoring compliance with drawings and specs" 2) Technical/Deviation/NCN Issues will be reviewed and approved by EOR (if the topic was discussed in the progress mtg)	Technician, Technician Supervisor, Construction PM	EOR will coordinate with Supervisor and Branch Manager to approve all Technical/Deviation/NCN Issues	Revised approval workflow and form in Unifier to document approval from EOR
Review and respond to Request for Information (RFI) from Contractor to CM/EOR or Request for Clarification (RFC) from DCW/CM/EOR to the Contractor (Non-technical)	No	1) Non-technical RFI's may be reviewed by unlicensed engineer in construction management staff. 2) RFC is initiated by Construction Management staff or EOR to the Contractor to clarify the Shop Drawing submittal. The EOR's approval may be required if the non-technical submittal deviates from the design intent, or if it involves an interpretation of the signed and sealed contract documents.	Construction PM, Supervisor, Resident Engineer, Unlicensed Engineer under Responsible Charge	Review and response to 'non-technical' RFI that does not deviate from the design intent can be performed by competent construction management staff	1) Revised approval workflow and form in Unifier to document when an RFI is of a Technical nature and requires the approval or acknowledgement from EOR 2) Create in Unifier field for Contractor to indicate "Is this RFI Technical that Require the Approval by EOR" (Yes/No) 3) Need to Identify who the RFI Coordinator needs to be: Supervisor and Resident Engineer?
Pending Unifier Form/Workflow Revision					

dc DC Water Operations and Engineering
CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Prepare Request for Proposal (RFP)	No Changed from Yes to "No" due to RFI/RFC having to be approved by EOR. Preparing RFP is then an administrative function.	1) The RFP is an administrative function requesting an estimate from the Contractor. Any technical change from original design documents must be approved by EOR. 2) The RFP may include design change approved by the EOR prior to the official RFP to contractor via the RFI/RFC.	Construction PM, Supervisor, Unlicensed Engineer under Responsible Charge	EOR approves the RFP in consultation with Supervisors and Managers	1) Revised approval workflow and form in Unifier to document approval or acknowledgement from EOR. 2) Unifier has field for Construction PM to indicate "xxx" (Yes/No) under RFP to indicate that a EOR has approved the technical aspect of the RFP. 3) Explore use of "Issues Log" to link requirement for EOR to be engaged and approve by signing the change/RFP technical content.
Prepare Independent Cost Estimate for RFP/PCO work	No	Cost estimator needs to be skilled in math to calculate labor, material, and equipment estimates. This is not consider technical or the POE.	Construction PM, Supervisor		
Pending Unifier Form/Workflow Revision					

dc DC Water Operations and Engineering
CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Negotiate Proposed Change Order (PCO)	No	RFP has been reviewed and approved by EOR, and the negotiation is not consider technical or the POE.	Construction PM, Supervisor, Construction Manager		
Review and Approve a Change Order (CO)	No	The Change Order is an instrument that reflects the terms and conditions of the negotiated PCO. The CO process is mainly an administrative process that require no technical decision.	Supervisor, Branch Manager, Engineering Director, Compliance, Legal Affairs, Procurement, Contracting Officer	N/A. All technical decision was made during the RFP and PCO phase.	
Review and Approve Work Change Directive (WCD)	No	The WCD is an instrument that reflects the terms and conditions of the PCO. The WCD process is mainly an administrative process that require no technical decision.	Supervisor, Branch Manager, Engineering Director, Procurement, Contracting Officer	N/A. All technical decision was made during the PCO phase.	
Review and Accept As-built Drawings	No	Contract administration. Not considered POE. As-built drawing is record of work performed by the Contractor including additions, deletions, and deviations that were already approved by EOR respectively. Contractor submits a Certification on the cover sheet of the Final As-built drawings.	Technician, Technician Supervisor, Construction PM, Supervisor, Construction Manager		

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CIP Construction Phase - Practice of Engineering (POE)

Description of Task	Is This POE	Why	Who Can Perform	Role of DC PE	Action
Monitor construction progress against the current approved construction schedule. Provide input to construction manager on quantities and completion progress for invoice reviews.	No	Contract administration function. Not considered POE.	Technician, Supervisor Technician, N/A Unlicensed Engineer under Responsible Charge		
Payment Application/Invoice Review and Processing	No	Invoice/Payment application review and approval are administrative function. Not consider POE.	Construction PM, Supervisor, Manager Construction		
Review and Approve Punchlist for Issuance to Contractor	No	Any items listed in the punch list have already been reviewed and approved by the EOR accordingly including Technical/Deviation/NCN Issues. This is an administrative function. Relates to contractual and administrative accepting the work for DC Water's use and construction is sufficiently completed besides items listed in Punchlist. Not considered POE.	Technician, Technician Supervisor, Supervisor, Manager Construction		
Review and Approve Certificate of Substantial Completion for Issuance to Contractor	No		Construction PM, Manager Construction	EOR not involved. Certificate requires 3 signatures: Construction Manager, Contractor, and Operations Director	
Prepare project close-out	No	Contract administration function. Not considered POE.	Supervisor, Construction PM, Construction Manager, Director, Contracting Officer		



**DC Water Operations and Engineering
Documentation of DC PE Compliance**

**SOP Training
(Pending)**

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